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September 16, 2020

VIA ECF

The Honorable Judge Paul A. Engelmayer
United States District Court
Southern District of New York
40 Foley Square
New York, NY 10007
Courtroom 1305

Re: *Dennis Durban v. Jordan DeCiccio., et al.*,
Case No. 1:20-cv-05875-PAE (S.D.N.Y)
Second Request for Extension of Time to File Responsive Pleading

Dear Judge Engelmayer,

Defendants Jordan DeCiccio, Jake DeCiccio, Jimmy DeCiccio, Sunniva Caffe, Inc., Kitu Life, Inc., Kitu Super Brands, Inc., and John Doe Corporations 1-5 (collectively, “Defendants”), by and through undersigned counsel, hereby respectfully submit this Second Unopposed Motion for Extension of Time to Respond to Plaintiff’s Complaint (Dkt. No. 1). Defendants request, and Plaintiff has consented to, a three-week extension to October 9, 2020. As grounds for this motion, Defendants state as follows:

1. The Complaint in this action was filed on July 28, 2020 (Dkt No. 1).
2. Defendant Kitu Super Brands, Inc., was served on August 7, 2020. Service was waived for all other Defendants.
3. Defendants’ deadline to answer or otherwise respond to Plaintiff’s Complaint was August 28, 2020.
4. On August 27, 2020, Defendants’ requested a 3-week extension of time to respond to Plaintiff’s Complaint, up to and including September 18, 2020 (Dkt No. 41). On August 28, 2020, the Court granted Defendants’ request (Dkt No. 42).
4. The parties have reached an agreement in principle and request additional time to prepare and execute a written agreement memorializing the settlement. Accordingly, the parties

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agreed to a three-week extension of time for Defendants to answer or otherwise respond to Plaintiff's Complaint in this action, which would make Defendants' new deadline October 9, 2020.

WHEREFORE, for good cause shown, Defendants respectfully request a three-week extension of time, up to and including October 9, 2020, within which to file their response to Plaintiff's Complaint.

Very truly yours,

/s/ Matthew J. Smith

Matthew J. Smith
Holland & Hart LLP

MJS

cc: All counsel of record (by ECF)

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